

LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP

ELIZABETH J. CABRASER (SBN 083151)
180 Maiden Lane
New York, NY 10038
Telephone: 212.806.5400
Email: jbernard@stroock.com

Lead Counsel for Plaintiffs

STROOCK & STROOCK & LAVAN LLP
JAMES L. BERNARD (*PRO HAC VICE*)

180 Maiden Lane
New York, NY 10038
Telephone: 212.806.5400
Email: jbernard@stroock.com

CLARENCE DYER & COHEN LLP

JOSH A. COHEN (SBN 217853)
899 Ellis Street
San Francisco, CA 94109
Telephone: 415.749.1800
Email: jcohen@clarencedyer.com

MORRISON & FOERSTER LLP

MARK DAVID MCPHERSON (SBN 307951)
425 Market Street
San Francisco, CA 94105
Telephone: 415.268.7000
Email: mmcpherson@mofo.com

TODD & WELD LLP

INGRID S. MARTIN (*PRO HAC VICE*)
One Federal Street
Boston, MA 02110
Telephone: 617.720.2626
Email: imartin@toddweld.com

Attorneys for McKinsey Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: MCKINSEY & CO., INC. NATIONAL
PRESCRIPTION OPIATE CONSULTANT
LITIGATION

This Document Relates to: ALL ACTIONS

) Case No. 3:21-md-02996-CRB (SK)

) [Assigned to the Hon. Charles R. Breyer]

) **STIPULATION AND ~~[PROPOSED]~~**
) **ORDER REGARDING BRIEFING**
) **SCHEDULE FOR DEFENDANTS'**
) **FURTHER MOTION TO DISMISS**
) **PURSUANT TO FRCP 12(B)(6)**
)

STIPULATION

WHEREAS, pursuant to Pretrial Order No. 7, the parties are required within 10 days of the Court's ruling on McKinsey's initial motions to dismiss to meet and confer about a process and timetable for briefing any additional motions to dismiss pursuant to FRCP 12(b) that McKinsey intends to file (Dkt. 294, ¶ 9);

WHEREAS, on October 27, 2022, the Court denied McKinsey's motion to dismiss for lack of personal jurisdiction (Dkt. 439) and approved the parties' request that the Court not adjudicate at this time McKinsey's motion to dismiss on grounds of release and *res judicata* (Dkt. 440);

WHEREAS, McKinsey presently intends to file a motion to dismiss pursuant to FRCP 12(b)(6) directed at the NAS Plaintiffs' Master Complaint (Dkt. 298), the Tribal Plaintiffs' Master Complaint (Dkt. 300), the Third Party Payors' Consolidated Class Action Complaint (Dkt. 299), and/or any later-filed complaint that alleges claims not alleged by the Master Complaints, while reserving the right to move to dismiss the Subdivisions' and School Districts' Master Complaints (Dkts. 296 & 297) at a later time, if necessary;

WHEREAS, the Court has lifted the discovery stay and directed the parties to adhere to a stipulated discovery schedule (Dkt. 440);

WHEREAS, the parties have met and conferred about a schedule for briefing McKinsey's Rule 12(b)(6) motion that will not delay discovery;

WHEREAS, the parties agree to meet and confer about the substance of McKinsey's Rule 12(b)(6) motion prior to it being filed;

NOW, THEREFORE, the parties hereby agree and stipulate that the briefing schedule on McKinsey's Rule 12(b)(6) motion should be as follows:

Last day for the parties to meet and confer about the substance of McKinsey's

Rule 12(b)(6) motion: December 9, 2022

Last day for McKinsey to file motion to dismiss: January 9, 2023

Last day for plaintiffs to file opposition brief: March 3, 2023

Last day for McKinsey to file reply brief: April 7, 2023

Hearing date:

TBD

IT IS SO STIPULATED.

Dated: November 10, 2022

STROOCK & STROOCK & LAVAN LLP
JAMES L. BERNARD

By:

/s/ James L. Bernard
James L. Bernard

Attorneys for Defendants

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
ELIZABETH J. CABRASER

By:


/s/ Elizabeth J. Cabraser
Elizabeth J. Cabraser

Lead Counsel for Plaintiffs

~~PROPOSED~~ ORDER

Pursuant to stipulation, and for good cause shown, IT IS SO ORDERED.

DATED: November 14, 2022



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE